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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,467	09/28/2000	Arnold N. Blinn	MS1-624US	8910
22801	7590	04/07/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/675,467	Applicant(s) BLINN ET AL.	
	Examiner JAGDISH PATEL	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26,28-33 and 43-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26,28-33 and 43-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 1/26/2006.

Response to Amendment

2. Claims 26, 32, 43-46, 48, 51,53 have been amended. New claims 55-64 have been added.

Response to Arguments

3. Applicant's arguments with respect to rejection of claims 26, 28, 30-33, 43-45 and 47-54 under 35 USC § 102(e) over O'Leary have been fully considered. However, the arguments are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

4. Claims 26, 28-33, 43-64 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 is analyzed as representative independent claim. Other independent claims 44 and 52 also contain similar deficiencies. All dependent claims inherit deficiencies of their respective parent claims.

Claim 26 is rendered indefinite because it fails to positively recite relationship of the “set of payment accounts in the electronic accounts that are usable to make the purchase” to the external account. The claim recites where funds in the (associated) external account are restricted. The claim fails to provide any relationship of the payment accounts in the electronic wallet to the merchant server and determination of a set of the payment accounts. Note that the plurality of payment accounts are maintained in the server and the funds are maintained in an associated account and are restricted, whereas the purchase request is received at the merchant server and no further communication of the purchase request is received at the server where the plurality of the payment accounts are maintained.

The following elements must be clearly specified:

- (1) manner in which the merchant is restricted for the purchase request,
- (2) relationship of the merchant server and the server where the external account is maintained.
- (3) Relationship of the restricting step to the determining step (in the present claim 26 there is no clear relationship).

Claims 31,48, 53 additionally, contain the following defect.

The claim(s) recite limitation “..payment account can be combined with funds from another external account”. This limitation only recites that the claimed invention has capability to perform the stated function and therefore is not a positive limitation. (In re Hutchison, USPQ 138).

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

5. Claims 26, 28-33, 43-47, 49-52, 54 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler et al. (US 6,789,189) (Wheeler) and further in view of Flitcroft (US 2003/0028481 A1) (Flitcroft).

Claim 26: Wheeler discloses a computerized method for performing purchase transaction using an user-accessible wallet (IC card 6050, col. 58 L 44-45) as per claim 26. Wheeler recites maintaining on an a server a plurality of accounts in a user-accessible accounts in a user-accessible electronic wallet (account database 6014, see at least col. 58 L 65- col. 59 L 13, accounts are accessible via IC card 6050, col. 58 L 44-45).

Wheeler further discloses the steps of receiving from a merchant server, a request to make a purchase at the merchant server (see at least, col. 59 L 41-49, purchase request is received at the merchant terminal), determining a set of the payment accounts in the electronic wallet that are usable to make the purchase (payment accounts maintained in memory in the card) and generating a display that identifies the set of payment accounts (step 6216).

Wheeler fails to teach that the restricting where the funds in the external account identified by at least one payment account can be spent.

Flitcroft, in the same field of endeavor, teaches associating a plurality of payment accounts corresponding to a particular user wherein each payment account stores information that identifies an associated external account where funds available to the user are maintained (see [0092]-[0094]), multiple use cards associated with a credit card holder). Flitcroft, teaches

Art Unit: 3624

restricting where funds in the external account identified by said payment account can be spent (see [0103], the limited number is limited to a specific merchant).

It would have been obvious to one of ordinary skill of the art at the time of the invention to modify wheeler, in view of Flitcroft to have the funds in the external account identified by at least one payment account be restricted as to where such funds can be spent and have the payment accounts in the electronic wallet (IC card) displayed to the user. The benefit of such modification would be by restricting each payment account of the plurality of the accounts in the electronic wallet would limit the use of the purse only to the designated merchants thereby preventing or limiting loss of funds in the associate account. Other benefit of such an improvement would be that it would permit control over the designated accounts by card giver such that a card user would only have access to the merchants selected by the card giver.

Claim 28: refer to claim 26 analyses.

Claim 29: ..expiration date, when the funds can be spend (Flitcroft [0058]).

Claim 30: ..group of merchants.. (Flitcroft [0277], merchant type)

Claim 32: ..external account is ..a credit card account (Flitcroft [0092]).

Claim 33: restricting different external accounts in the electronic wallet in different manners (see Flitcroft [187] transaction value limitations, merchant type restrictions and geographical limitations..).

Claim 43: restrictions regarding where funds identified by at least one said payment account can be spent (Flitcroft [187]).

Art Unit: 3624

Apparatus claims 44-47 and 49-51 have been analyzed in accordance with their corresponding method claims 26, 28-30, 32-33 and 43. System claims 52 and 54 have been analyzed per method claims 26 and 43.

Claim 58: listing is displayable to the user via a web browser (see Fig. 2 communication medium 208 such as the Internet).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

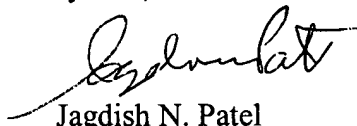
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

Art Unit: 3624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

4/3/06